



**U.S. Citizenship
and Immigration
Services**

**Non-Precedent Decision of the
Administrative Appeals Office**

MATTER OF M-USA, LLC

DATE: APR. 25, 2016

APPEAL OF NEBRASKA SERVICE CENTER DECISION

PETITION: FORM I-140, IMMIGRANT PETITION FOR ALIEN WORKER

The Petitioner, a provider of additive manufacturing software and “3-D” printing services, seeks to permanently employ the Beneficiary as a project coordinator. It seeks classification of the Beneficiary as a member of the professions holding an advanced degree under the second preference immigrant classification. *See* Immigration and Nationality Act (the Act) section 203(b)(2)(A), 8 U.S.C. § 1153(b)(2)(A). This classification allows a U.S. employer to sponsor a professional with an advanced degree for lawful permanent resident status.

The Director, Nebraska Service Center, denied the petition on May 6, 2015. The Director concluded that the record did not establish the Petitioner’s ability to pay the proffered wage.

The matter is now before us on appeal. The Petitioner asserts that the Director did not fully consider all the evidence of its ability to pay the proffered wage.

Upon consideration of the entire record, including evidence submitted in response to our request for evidence of December 29, 2015, the record establishes the Petitioner’s ability to pay the proffered wage from the petition’s priority date onward. *See* 8 C.F.R. § 204.5(g)(2) (requiring a petitioner to demonstrate its ability to pay from a petition’s priority date until a beneficiary obtains lawful permanent residence). We will therefore withdraw the Director’s decision and sustain the appeal.

The record also establishes the Petitioner’s and the Beneficiary’s eligibility for the requested immigrant classification. We will therefore approve the petition.

ORDER: The appeal is sustained.

Cite as *Matter of M-USA, LLC*, ID# 15609 (AAO Apr. 25, 2016)